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House Bill 6295, An Act Extending the Time Period for Debarment of Certain State Contractors

Government Administration and Elections Committee

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Connecticut Construction Industries Association, Inc. (CCIA) represents the commercial construction industry in Connecticut and is committed to working together to advance and promote a better quality of life for all citizens in the state. CCIA is comprised of more than 350 members, including contractors, subcontractors, suppliers and affiliated organizations representing many sectors of the construction industry. Associated General Contractors of Connecticut (AGC/CT), a division of CCIA, is the Connecticut chapter of the Associated General Contractors of America, a national construction contractors trade association. AGC/CT represents commercial, industrial, and institutional construction contractors, subcontractors, material suppliers and professionals serving the construction industry.

House Bill 6295, An Act Extending the Time Period for Debarment of Certain State Contractors, extends the time period for disqualifying a state contractor from bidding on contracts from two years to five years. The proponents of the bill have indicated that the time period would be similar to federal law.

While neither CCIA nor AGC/CT takes a position on HB 6295, we respectfully request that the Committee amend the bill to provide due process and fairness to contractors and make it consistent with other hearing provisions in the bill and in state law.

Section 1 of the bill should allow for a hearing under Conn. Gen. Stat. §4b-95(e) before a decision on disqualification is made. The disqualification should therefore be discretionary, not mandatory. Language similar to the hearings provided for in sections 2 and 3 of the bill would be acceptable. We suggest the following as an amendment, substituted in lieu of section 1 of the bill:

(e) Any general contractor who violates any provision of this section [shall] may be disqualified from bidding on other contracts that are subject to the provisions of this chapter for a period not to exceed [twenty-four months] five years, commencing from the date on which the violation is discovered, for each violation. The commissioner may initiate a disqualification proceeding only after consulting with the contract awarding agency, if any, and the Attorney General and shall provide notice and an opportunity for a hearing to the contractor who is the subject of the proceeding. The hearing shall be conducted in accordance with the contested case procedures set forth in chapter 54 of the general statutes. The commissioner shall issue a written decision within ninety days of



the last date of such hearing and state in the decision the reasons for the action taken and, if the contractor is being disqualified, the period of such disqualification. The existence of a cause for disqualification shall not be the sole factor to be considered in determining whether the contractor shall be disqualified. In determining whether to disqualify a contractor, the commissioner shall consider the seriousness of the contractor's acts or omissions and any mitigating factors. The commissioner shall send the decision to the contractor by certified mail, return receipt requested. The written decision shall be a final decision for the purposes of sections 4-180 and 4-183 of the general statutes. The commissioner may, upon a written determination that there is good cause, in the interest of the public, for such action, reduce the period or extent of disqualification upon the contractor's request and supporting documentation. The commissioner may grant an exception permitting a disqualified contractor to participate in a particular contract or subcontract upon a written determination by the head of the contract awarding agency that there is good cause, in the interest of the public, for such action. The awarding authority shall periodically review the general contractor's subcontracts to insure compliance with the provisions of this section and shall after each such review prepare a written report setting forth its findings and conclusions.

For additional information, please contact Matthew Hallisey of CCIA or John Butts, assistant executive director of AGC, at (860) 529-6855.